

BEFORE: ARTHUR D. SPATT

DATE: 8/9/10

TIME: 9:37
(5 mins)

DOCKET #: 07-0429

CAPTION: USA v. Subhvir

CRIMINAL CAUSE FOR SENTENCING

APPEARANCES

DEFENDANT: Mahender Subhvir 2 COUNSEL: Matthew Brissenden
☐ Present ☒ Not present ☒ In Custody ☐ On Bail ☐ CJA ☒ Retained ☐ FD

GOVERNMENT: Demetri M. Jones

COURT REPORTER: Harry Ruppert

INTERPRETER: _____

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

PROBATION: James Fonti ★

AUG 09 2010

★

COURTROOM DEPUTY: ME Schuy

LONG ISLAND OFFICE

☒ Case called.

Def't waives his appearance

☐ Counsel for all parties present.

☐ Fatco Hearing held: _____

re.
☒ Sentencing held regarding restitution figure

☐ Sentencing adjourned to: _____ At _____ AM/PM

☐ Statement(s) of defendant and counsel heard.

☐ Defendant's objections to the PSR are: _____

☐ Defendant's Downward Departure Motion is based on: _____

☐ Government's 5K1.1 Letter received.

☐ The Downward Departure Motion is: _____

☐ Defendant's Guideline Range is: _____

☐ Court's Departure from the Guidelines: _____

over

IMPRISONMENT:

____ The defendant is sentenced to: _____

____ To be followed by: _____ Of Spervised Release.

____ Special Conditions of Supervised Release: _____

____ The Defendant is remanded to the custody of the U.S. Marshals.

____ The Defendant shall surrender to: _____

____ The court makes the following Recommendations to the Bureau of Prisons: _____

PROBATION:

____ The defendant is sentenced to: _____

____ Special Conditions of Probation: _____

FINE, RESTITUTION & SPECIAL ASSESSMENT:

____ The Defendant is ordered to pay a Fine in the sum of: \$ _____

____ The Fine is to be paid: _____

____ The Fine is waived based on the Defendant's inability to pay.

____ Restitution is ordered: _____

____ Special Assessment is imposed in the sum of: \$ _____

____ Special Assessment to be paid by: _____

____ The Remaining Counts are dismissed on the United States' motion.

____ The Defendant is advised of the Right to Appeal.

NOTES: Partial Resentencing as to liquidated damages -
Samuel \$ 225,814.69 doubled \$ 451,629.38
Erving \$ 114,118.80 doubled \$ 228,237.60 for a total
of \$ 679,866.98. Restitution held in abeyance
until after the defts writ of certiorari to the
Supreme Court has been decided.